



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 11, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PROCLAMATION: In Recognition of the 100th Anniversary of the
Veterans of Foreign Wars of the United States

Mayor Cooper invited Fred Cox, Commander of #1882 of Hayward, Fred Houseman of #7636 of Hayward, and John Duarte of #819 in San Leandro, to the podium where she read the proclamation and presented it to them.

Mr. Cox thanked the City and Council for the commemorating proclamation and said he appreciated the VFW banner flying from the flagpole in front of the City Hall. He then asked that consideration be given to naming a Hayward street, "Veteran's Way."

Mayor Cooper then recognized all of the members in the audience with a round of applause.

Proclaiming May 11, 1999, as Bill Lockyer Appreciation Day

Mayor Cooper delayed this presentation until the arrival of Attorney General Lockyer's arrival. During Item #5, Mayor Cooper acknowledged that State Attorney General Bill Lockyer was present and asked him to come to the podium to accept the proclamation as listed on the agenda. She read the proclamation proclaiming this day as Bill Lockyer Appreciation Day. Attorney General Lockyer commented that he lives in Hayward and was pleased to see the Veterans of Foreign Wars receive a commendation as well. In retrospect, they were a great generation who endured much during the Great Depression, survived wars and returned to rebuild this nation's economy. Mr. Lockyer was honored by all present with a standing ovation.

PRESENTATION Pride in Hayward Award

The Mayor presented the Pride in Hayward Award to the following Hayward residents: Raymond and Vicki Louie; Paul and Arlene Mostipak; and J. and Theresa Gordillo, Junior of the Southgate Neighborhood; and Barry and Felicia McMullen; and Raymond and Josephine Libby of the Winton Grove area.

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PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, commented on the Mayor's response to remarks by Francisco Abrantes at a previous Council meeting.

Mayor Cooper, in response, justified her statements made during that meeting.

Martha Bryson, 2443 Marie Drive, spoke regarding a camper parked on her street. She read from the ordinance sent to her by CED Director Ehrental and provided photographs to the City Attorney.

Mayor Cooper said staff would investigate this problem.

William Blundin, 1089 "D" Street, commented on an appeal made with the Building Abatement Board and the negative response to his concerns.

Francisco Abrantes, 22815 Alice Street, discussed the waste of City funds.

CONSENT

1. Approval of Minutes of the Meeting of the City Council of May 4, 1999.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the City Council Meeting of May 4, 1999.

2. Decoto Booster Pump Station Refurbish and Upgrade: Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 11, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-076, "Resolution Approving Addenda for the Decoto Booster Pump Station Refurbish and Upgrade, and Award of Contract to N.V. Heathorn, Inc."

3. Execution of Cooperation Agreement Between City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium

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Staff report submitted by Community and Economic Development Administrator Bauman, dated May 11, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-077, "Resolution Approving Continued Participation in the Alameda County Home Consortium and Authorizing City Manager to Execute the Home Consortium Cooperation Agreement with Alameda County"

HEARINGS

4. Approval of Community Development Block Grant Funding for FY 1999-2000

Staff report submitted by Community and Economic Development Administrator Bauman, for May 11, 1999, was filed.

Community and Economic Development Administrator Bauman made the staff presentation, describing the various projects that are funded by the block grants and responded to questions from the Council pertaining to the projects.

Council Member Jimenez announced that he would not be voting on the item since he had a conflict of interest.

There being no requests to speak, Mayor Cooper closed the public hearing at 8:39 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried with Council Member Jimenez abstaining, to approve the following:

Resolution 99-078, "Resolution Authorizing an Application for Federal Assistance Under the Community Development Block Grant Program for Fiscal Year 1999-2000 (Twenty-Fifth Year)"

Resolution 99-079, "Resolution Approves the Revised City of Hayward Citizen Participation

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Plan"

5. Approval of Social Services Funding Recommendations for FY 1999-2000/ FY 2000-2001

Staff report submitted by Social Services Planning Manager Korth, dated May 11, 1999, was filed.

Social Services Planning Manager Korth made the staff presentation and responded to questions, in particular regarding the funding for the Spectrum Community Services/Legal Assistance for Seniors (LAS). Council Member Jimenez indicated that he was disappointed in not fully funding that proposal.

Council Member Henson inquired on the Eden Housing, Glen Berry Summer Recreation and Enrichment Program.

Mayor Cooper and Council Member Henson indicated that they are board members of the Kids Breakfast Club and would abstain from voting on that program.

Mayor Cooper opened the public hearing at 9:00 p.m.

Sofia Clegg, 645 Via Alamo, San Lorenzo, spoke on the partnership of Spectrum Community Services and Legal Assistance for Seniors. There is no other avenue to seek funding for this proposed service aside from the City of Hayward. She enumerated the various services that are provided by Spectrum to over 7,000 senior citizens in the City.

Richard Cowan, 4214 Dunsmuir, Oakland, described the legal services provided by his agency, LAS. He thanked the Human Services Commission for its support. The legal services will do a better job with a collaborative effort. He indicated they get funding from a variety of sources: federal, grant, United Way, corporate and personal money, and three cities. He indicated that if the City were not to support the legal services' component of the Spectrum/LAS proposal, they would no longer seek out isolated seniors or make presentations at the senior centers.

Council Member Ward expressed his sense of the need for providing legal services in this community as previously provided by the Legal Aid service which had been located on Watkins.

Lori Ganz, 115 Pinehurst Way, San Francisco, spoke on Eden Housing in collaboration with FESCO to provide youth enrichment programs during the summer at Glen Berry Apartments and asked for Council support.

Barbara Bernstein, 2919 Otis, Berkeley, Executive Director of Eden I and R, thanked the Commissioners and staff for its support. She described the services provided utilizing reliable databases and efforts made to follow up on requests.

Bertha Welch, 28866 Miranda Street, spoke regarding mobile homes and asked the Council to



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continue Spectrum services and urged Council to support to continue the mobile home repair program.

Peter Hendley, 1716 Highland, a Human Services Commission member, spoke on behalf of social services for Hayward. He urged council to speak to state and national legislators bring tax monies home rather than using them on the current war effort.

Jack Palmeri, 28881 Pluto Street, spoke on behalf of Spectrum. He also asked that mobile homeowners be assisted.

Jackie Boyce, 1150 W. Winton, manager of a mobile home park asked that the Council not cut the home repairs program for the elderly.

Dr. Marion A. Sanchez, Chabot College, spoke in favor of social funding for seniors and children. He thanked the staff and the City Council for all their pro-active efforts. He also spoke in favor of the Kid's Breakfast Club.

Thomas Watson, 28990 Windemere Road, representing a mobile home park, spoke on behalf of Spectrum Services for Seniors.

Mayor Cooper closed the public hearing at 9:38 p.m.

Council Member Dowling moved, seconded by Council Member Jimenez, to approve the staff recommendation with \$15,000 going to Spectrum instead of LAS and cutting other programs 1.7 percent to bring Spectrum up to the \$21,000 that they need. The legal services' component would be placed on a secondary consideration list. He indicated that the LAS is located in Oakland and Hayward should look to fund the Hayward based agencies first.

Council Member Hilson said the Human Services Commission works hard trying to decide how to disperse the money. He also asked how the cut for LAS services would affect the elderly in the City.

Social Services Planning Manager Korth explained that a form of legal services would continue through Title 3 funds but the outreach effort would cease to continue so the hard to reach would no longer be served.

Council Member Rodriguez noted that she would support this motion, but she has strong feelings of concern that legal services for seniors in this community are not being met. She felt that the combination of services was excellent.

Social Services Planning Manager Korth indicated that LAS fills a gap that otherwise would not be available. Spectrum receives federal funding to serve beyond the Hayward area as well, and while

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LAS does serve the County as a whole, the funding from Hayward enables LAS to outreach and serve isolated seniors.

Council Member Henson proposed that Spectrum be funded as a partnership with the legal services. He calculated adding \$11,800 in savings that could be gained by cutting funding from other program's budgets. This would then be added to the \$15,000 proposed for Spectrum services that would also include the legal services as well. This was agreed to by both the maker and second of the motion.

Council Member Dowling confirmed Council Member Henson's re-allocation of the amendment to eliminate funding for Glen Berry and cut Eden I and R's budget by \$5,000. He noted the rest of the cuts were minimal.

Council Member Ward expressed his concern for the objective of the motion. He suggested that it was a good effort, but if the Spectrum and LAS services are to be funded, there is not enough money to support each as a stand-alone proposal.

Council Member Hilson offered a friendly amendment for the \$15,000 plus the \$11,800 in savings to provide full funding to Spectrum and partial funding to the legal component and let them devise a cooperative working arrangement to their best advantage with the allocated funds.

Council Member Dowling said that he could accept the amendment stating that staff will work with the partnership to coordinate a new work plan and a new budget.

Council Member Ward commented that this discussion is speculation and asked whether the two organizations will accept the new allocations. He offered a friendly amendment to allocate the funds to a joint effort, similar to Council Member's Hilson.

Sofia Clegg and Richard Cowan were asked to respond to this new allocation proposal. They agreed to accept the money as a collaborative effort.

Council Member Dowling commended the Lambda group for attending and noted that this is the first year that there have been no speakers against the program. He credited various individuals involved.

As the seconder to the motion, Council Member Jimenez accepted the friendly amendment and asked if Spectrum would still be eligible for secondary funding. It was affirmed.

Council Member Rodriguez asked for a future report on the results of the collaboration between Spectrum and LAS. Sofia Clegg agreed to provide a report.

It was moved by Council Member Dowling, seconded by Council Member Jimenez, and unanimously carried by all present, to approve the staff recommendation. An amendment to readjust the funding levels as provided by Council Member Henson that includes eliminating funding to Glen Berry so the Spectrum/LAS partnership is funded by a total of \$26,800 was



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approved. Another friendly amendment was included to direct staff to work with the partnership to coordinate a new work plan and a new budget. This motion excludes the Breakfast Club funding which was considered in the next motion. It was moved by Council Member Dowling, seconded by Council Member Jimenez, and carried, with Council Member Henson and Mayor Cooper abstaining, to approve the funding for the Breakfast Club.

It was moved by Council Member Dowling, seconded by Council Member Jimenez, and unanimously carried by all present, to approve:

Resolution 99-080, "Resolution Approving Social Services Funding for Fiscal Year 1999-2000

6. Introduction of an Ordinance Amending the Hayward Municipal Code Pertaining to Card Club Regulations

Staff report submitted by Investigation Captain Silva, dated May 11, 1999, was filed.

Chief Calhoun made the staff report noting that due to changes to the State regulations this amendment must be made to the current ordinance. It brings no operation changes to the City's only card club. He noted that in order for the Palace Card Club to renew its license, this ordinance must be in place. He responded to questions.

Mayor Cooper opened and closed the public hearing at 10:11 p.m.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and unanimously carried by all present, to introduce the following:

Introduce Ordinance 99-__, "An Ordinance Amending Chapter 4, Article 3 of the Card Club Regulations of the City of Hayward to Comply with Changes in State Law"

LEGISLATIVE BUSINESS

7. Adoption of Ordinances Related to the Uniform Building, Fire, Housing, Mechanical, and Plumbing Codes, and the National Electrical Code

Staff report submitted by City Clerk Reyes, dated May 11, 1999, was filed.

City Clerk Reyes noted that since the motion on the Codes was not unanimous, the adoption was

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placed under this category. Mayor Cooper suggested that separate votes be taken on these adoptions, in particular the Plumbing Code.

Mayor Cooper opened the public hearing at 10:14 p.m.

J.V. McCarthy, 732 B Street, #2, suggested that there be a higher standard set for construction in certain areas that could be seismically affected.

Mayor Cooper closed the public hearing at 10:16 p.m.

It was moved by Council Member Ward, seconded by Council Member Rodriquez, and unanimously carried by all present, to approve the following:

Ordinance 99-05, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-25, and All Amendments Thereto"

Ordinance 99-06, "An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 1998 Edition and the California Fire Code Standards, 1997 Edition, with Certain Amendments Thereto; Prescribing Regulations Governing Conditions, Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation; and Repealing Ordinance No. 95-24, and All Other Ordinances and Parts of Ordinances in Conflict Therewith"

Ordinance 99-07, "An Ordinance Establishing a Mechanical Code for the City of Hayward, Regulating the Alteration, Construction, Installation and Repair for Ventilating, Refrigeration, and Heat Producing Equipment (Mechanical Equipment); Providing for the Issuance of Permits and Collection of Fees and Prescribing Penalties for Violation of Said Mechanical Code; and Repealing Ordinance No. 95-28, and All Amendments Thereto"



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Ordinance 99-08, "An Ordinance Establishing a Housing Code for the City of Hayward; Establishing Minimum Space and Occupancy Standards, Structural Requirements, Mechanical Requirements, Exits, Fire Protection and Other Requirements for Residential Buildings; Providing for the Repair, Rehabilitation, or Demolition of Substandard Residential Buildings, and Prescribing Penalties for the Violation of Said Housing Code; and Repealing Ordinance No. 95-27 and All Amendments Thereto"

Ordinance 99-09, "An Ordinance to be Known and Designated as the Electrical Code of the City of Hayward; Regulating the Installation, Alteration, Repair, and Maintenance of Electrical Wiring, Electrical Fixtures, and Other Electrical Appliances and Equipment; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-26, and All Amendments Thereto"

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by the following roll call vote:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, Henson
NOES: Council Member Hilson
MAYOR Cooper
ABSENT: None
ABSTAINED: None

Ordinance 99-10, "An Ordinance Establishing a Plumbing Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Plumbing; Providing for the Issuance of Permits and Collection of Fees; and Repealing Ordinance No. 95-29, and All Amendments Thereto"

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COUNCIL REPORTS

Council Member Ward asked that Council and the Mayor send a letter to the State requesting that it use the projected surplus to return funding that was taken from the cities.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:18 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward